

# Wetlands Bureau Decision Report

Decisions Taken  
12/22/2003 to 12/26/2003

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2001-01595**                      **CLAWSON, CHARLES & ERICA**  
**DOVER**   **Little Bay**

### Requested Action:

Change name to Richard & Paulette Sirois to construct a 4 ft. x 30 ft. permanent pier to a 3 ft. x 30 ft. ramp to a 10 ft. x 20 ft. float, total dock length 68 ft., providing one slip on 156 ft. of frontage. Impact 270 sq. ft. of the shoreline to install 90 linear ft. of rip-rap seawall.

\*\*\*\*\*

Inspection Date: 09/17/2001 by David A Price

### APPROVE NAME CHANGE:

Change name to Richard & Paulette Sirois to construct a 4 ft. x 30 ft. permanent pier to a 3 ft. x 30 ft. ramp to a 10 ft. x 20 ft. float, total dock length 68 ft., providing one slip on 156 ft. of frontage. Impact 270 sq. ft. of the shoreline to install 90 linear ft. of rip-rap seawall.

-Send to Governor and Executive Council-

**2003-00446**                      **THIBEAULT CORP**  
**MANCHESTER**   **Unnamed Wetland**

### Requested Action:

Dredge and fill a total of 43,422 sq. ft. of low value, man-made wetlands, in a former excavation site, for commercial lot development.

A 16.6 acre parcel of land will be placed in a conservation easement as compensatory mitigation.

\*\*\*\*\*

Inspection Date: 11/22/2002 by Frank D Richardson

### APPROVE PERMIT:

Dredge and fill a total of 43,422 sq. ft. of low value, man-made wetlands, in a former excavation site, for commercial lot development.

A 16.6 acre parcel of land will be placed in a conservation easement as compensatory mitigation.

### With Conditions:

1. All work shall be in accordance with plans by R.S.L. Layout & Design, Inc. dated April 10, 1995, as received by the Department on September 16, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

### Land Resources Preservation:

1. This permit is contingent upon the execution of a conservation easement on 16.6 acres as depicted on plans received November 12, 2003.
2. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 22, 2002. Field inspection with representatives from the USACOE, USFWS and USEPA determined that this site being a former sand & gravel excavation area has only marginal value as wetland/wildlife habitat. A 16.6 acre tract of high value wetlands being placed in a conservation easement will provide compensatory mitigation.
6. The public hearing is waived with the findings determined at the field inspection (see #5 above).

**2003-02123                      MOORE, TIMOTHY & SHERYL**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 4 ft x 24 ft seasonal dock and a 4 ft x 32 ft seasonal dock, and install (2) 6 ft x 40 ft seasonal docks connected by a 6 ft x 11 ft 11 in walkway, in a U-shape, and install (2) 6 ft x 48 ft seasonal docks connected by a 6 ft x 11 ft 11 in walkway, in a U-shape, on an average of 889 ft of frontage on Dow Island, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Permanently remove an existing 4 ft x 24 ft seasonal dock and a 4 ft x 32 ft seasonal dock, and install (2) 6 ft x 40 ft seasonal docks connected by a 6 ft x 11 ft 11 in walkway, in a U-shape, and install (2) 6 ft x 48 ft seasonal docks connected by a 6 ft x 11 ft 11 in walkway, in a U-shape, on an average of 889 ft of frontage on Dow Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Robert Coppo revised December 12, 2003, as received by the Department on December 15, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. The existing 4 ft x 24 ft and the existing 4 ft x 32 ft seasonal docks shall be placed outside the jurisdiction of the Wetlands Bureau prior to the installation of the new seasonal docks.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal piers shall be removed from the lake for the non-boating season.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 889 feet of frontage along Lake Winnepesaukee.
4. A maximum of 12 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 6 slips as defined per Rule Wt 101.07, Boatslip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on November 18, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2003-02408                      TWOMBLY, WILLIAM**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Repair an existing 35 ft 4 in by 35 ft 4 in crib supported 3 slip boathouse and associated docks with no change in the northern slip, modifying the center slip from 15 ft 6 in by 7 ft to 20 ft by 9 ft, modify the southern slip from 15 ft 6 in by 7 ft to 15 ft 6 in by 5 ft 6 in, repair an existing 24 ft by 6 ft crib supported dock on Squam Lake, Center Harbor.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has not submitted comments by 12/04/03.

APPROVE PERMIT:

Repair an existing 35 ft 4 in by 35 ft 4 in crib supported 3 slip boathouse and associated docks with no change in the northern slip, modifying the center slip from 15 ft 6 in by 7 ft to 20 ft by 9 ft, modify the southern slip from 15 ft 6 in by 7 ft to 15 ft 6 in by 5 ft 6 in, repair an existing 24 ft by 6 ft crib supported dock on Squam Lake, Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated October 6, 2003, as received by the Department on October 24, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Repair shall maintain existing size and location.
8. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. This permit does not allow for any dredging of boatslips.
10. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), modification of a major docking facility.
2. The applicant has an average of 512 feet of frontage along Squam Lake.
3. A maximum of 7 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed docking facility will provide 5 slips as defined per Rule Wt 101.07, Boatslip, and therefore meets Rule Wt 402.14.
5. Public hearing is waived based on field inspection, by NH DES staff, on December 12, 2003, with the finding that the project impacts will not significantly impair the resources of Squam Lake.
6. The proposed modifications will result in no increase in the footprint or exterior dimensions of the existing structure.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

\*\*\*\*\*

**2003-01064                      CHICKERING LIVING TRUST, HELEN  
PEMBROKE    Unnamed Wetland**

Requested Action:

Dredge and fill a total of 6,232 sq. ft. of palustrine scrub-shrub wetlands to construct a roadway with culvert crossings, drainage structures and site work associated with the proposed 72 unit condominium planned residential development on this 47.62 acre parcel of land.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 6,232 sq. ft. of palustrine scrub-shrub wetlands to construct a roadway with culvert crossings, drainage structures and site work associated with the proposed 72 unit condominium planned residential development on this 47.62 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc. Inc. dated Dated September 29, 2003 (revised 10/20/03), as received by the Department on October 27, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.

8. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01403                      DEMERS, DENNIS**  
**DEERFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 9,982 sq. ft. of palustrine forested/emergent wetlands to construct a roadway with culvert crossings and a driveway/culvert crossing to access an 11-lot residential subdivision on an 85.65 acre parcel of land.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Deerfield Conservation Commission has reviewed this application, is aware of the revised plans and reports: " The DCC feels that the owners have responded very conscientiously to our concerns and accepts the proposal that they are submitting."

APPROVE PERMIT:

Dredge and fill a total of 9,982 sq. ft. of palustrine forested/emergent wetlands to construct a roadway with culvert crossings and a driveway/culvert crossing to access an 11-lot residential subdivision on an 85.65 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by True Engineering dated April 21, 2003 (revised 9/11/03), as received by the Department on December 11, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01599                      GAGNON, JEAN**  
**AUBURN   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 11,700 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway to access a 30-lot residential subdivision on a 99.77 acre parcel of land of which 57.60 acres will remain in open space.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Auburn Conservation Commission intervened on the application July 28, 2003. No follow-up report was received.

APPROVE PERMIT:

Dredge and fill a total of 11,700 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway to access a 30-lot residential subdivision on a 99.77 acre parcel of land of which 57.60 acres will remain in open space.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc. Inc. dated June 27, 2003, as received by the Department on July 21, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be properly rip rapped.
15. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02009                      ADAMS, GEORGE**  
**NORTHWOOD   Unnamed Wetland Lucas Pond**

Requested Action:

Dredge and fill a total of 3,500 sq. ft. of palustrine scrub-shrub wetlands to construct a driveway/culvert crossing to access a single family residential houselot.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 3,500 sq. ft. of palustrine scrub-shrub wetlands to construct a driveway/culvert crossing to access a single family residential houselot.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated Aug. 2003, as received by the Department on September 03, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02354                      HIGGINS, JASON**  
**MILTON   Townhouse Pond**

Requested Action:

Permanently remove an existing 2 ft 6 in x 11 ft seasonal dock and replace with a 4 ft x 24 ft seasonal dock, and stabilize 280 sq ft of undercut bank with 16 cu yds of riprap on an average of 70 ft of frontage on Townhouse Pond, Milton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

ocus on USGS map doesn't match tax map. Digitized from tax map.

10-29-03 Rec'd call to correct first name to Jason and correct mail address to PO Box # in Rochester - Nancy corrected database as requested by caller

Con. Com. did not comment on project.

APPROVE PERMIT:

Permanently remove an existing 2 ft 6 in x 11 ft seasonal dock and replace with a 4 ft x 24 ft seasonal dock, and stabilize 280 sq ft of undercut bank with 16 cu yds of riprap on an average of 70 ft of frontage on Townhouse Pond, Milton.

With Conditions:

1. All work shall be in accordance with plans by Civil Consultants dated September 10, 2003, as received by the Department on October 20, 2003 and cross sections revised December 16, 2003 as received by the Department 19, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The existing seasonal dock and all excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to installation of the new seasonal dock and placement of the riprap.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
13. Work shall be done during drawdown.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k), disturb 70 linear ft of shoreline by riprapping undercut bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02404                      HALL, HOWARD & KAREN**  
**LACONIA   Winnisquam Lake**

Requested Action:

Excavate 270 sqft behind the existing mortar and stone retaining wall to construct a perched beach, remove the existing 2 ft wide access steps, dredge 0.5 cy of rock from the lake and install 4 ft wide access steps on Lake Winnisquam, Laconia.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com questions why the existing steps cannot be used.

APPROVE PERMIT:

Excavate 270 sqft behind the existing mortar and stone retaining wall to construct a perched beach, remove the existing 2 ft wide access steps, dredge 0.5 cy of rock from the lake and install 4 ft wide access steps on Lake Winnisquam, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated October 20, 2003, as received by the Department on

October 27, 2003.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. The existing retaining wall shall remain in the same location.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g).

**2003-02451                      SMITH, LEO**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Permanently remove 352 sq ft seasonal docking structure and replace with (2) 6 ft x 40 ft hinged seasonal piers connected by a 6 ft x 12 ft seasonal walkway adjacent to (2) existing 6 ft x 6 ft seasonal pwc lifts, and install a 10 ft x 10 ft seasonal boat lift on an average of 154 ft of frontage on Long Island, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. said there are 3 boatlifts on the property.

APPROVE PERMIT:

Permanently remove 352 sq ft seasonal docking structure and replace with (2) 6 ft x 40 ft hinged seasonal piers connected by a 6 ft x 12 ft seasonal walkway adjacent to (2) existing 6 ft x 6 ft seasonal pwc lifts, and install a 10 ft x 10 ft seasonal boat lift on an average of 154 ft of frontage on Long Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Robert Coppo revised on December 18, 2003, as received by the Department on December 18, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The removed seasonal docking structure shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to the installation of the new dock.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal pier shall be removed from the lake for the non-boating season.

10. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing 3-slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02536                      NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**BARTLETT   Tributary To Albany Brook**

Requested Action:

Repair head wall, extend a 4 ft. x 5 ft. box culvert by 5 ft. and construct toe walls throughout the structure impacting 321 sq. ft. of stream and bank (246 sq. ft. temporary).

\*\*\*\*\*

Conservation Commission/Staff Comments:

Expect comments from River Coordinator by 12/25/03

APPROVE PERMIT:

Repair head wall, extend a 4 ft. x 5 ft. box culvert by 5 ft. and construct toe walls throughout the structure impacting 321 sq. ft. of stream and bank (246 sq. ft. temporary). NHDOT project #M113-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 1 dated 10/15/03, as received by the Department on November 12, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

\*\*\*\*\*

**2002-00744 STUMP, JOHN AND CATHERINE**  
**WAKEFIELD Pine River Pond**

Requested Action:

Retain a 14' x 14' seasonal dock accessed from shore by a 2' x 14' seasonal walkway and a 24' x 9'6" seasonal boatlift with canopy on an average of 225 feet of frontage on Pine River Pond, Wakefield

\*\*\*\*\*

Conservation Commission/Staff Comments:

The beach construction was not approvable based on the Wetland Bureaus 25% slope rule adopted January 11, 2001, in accordance with and pursuant to the Comprehensive Shoreline Protection Act, RSA 483-B. A restoration approval was issued on September 2, 2003, to restore the frontage to original grade and establish native vegetation.

DENY PERMIT:

Retain a 14' x 14' seasonal dock accessed from shore by a 2' x 14' seasonal walkway and a 24' x 9'6" seasonal boatlift with canopy on an average of 225 feet of frontage on Pine River Pond, Wakefield

With Findings:

Standards for Approval

1. In accordance with Rule Wt 204.06, After the Fact Application, application received after the work has been completed shall be subjected to the same review as given to any other application
2. In accordance with Rule Wt 101.02, Abandonment, means the failure, for a period of 5 years, to maintain an existing structure in a condition so that it is functional and intact.
3. In accordance with Rule Wt 402.02, Dimensions, no dock surface shall exceed 6 ft in width.
4. In accordance with Rule Wt 101.24, a dock or docking facility means a structure intended for securing of watercraft and/or to discharge and load passengers, freight, and other goods whether the structure in the water or not.
5. In accordance with Rule Wt 101.38, a float means a platform anchored near a shoreline for watercraft, commercial or recreational use that is supported by buoyancy devices.
6. In accordance with Rule Wt 101.39, a grandfathered structure means (a) was in place before permit jurisdiction under RSA

482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect; (b) has remained unaltered in location, size and configuration; and (c) has not been abandoned within the meaning of Wt 502.05, Wt 303.05(a) (4) and Wt 101.01.

7. In accordance with Rule Wt 101.71, a seasonal dock or seasonal structure is a dock and any associated supports designed to be completely removed from the water during the non-boating season and includes pipe docks and floating docks.

#### Finding of Fact

8. On April 15, 2002, DES received a complaint alleging the excavation of the bank and removal of trees and shrubs along the shoreline to construct a beach.

9. On June 4, 2002, DES received information alleging the existing docking facility is an unpermitted structure which exceeds approvable dimensions.

10. Site inspection by DES personnel on June 7, 2002, documented a docking facility on the property measuring 14' x 14' attached to shore by a 2' x 14' walkway, with a 24' x 9'6" seasonal boat lift and canopy.

11. Wetlands Bureau application, #1990-02311, filed on November, 1990, provided no evidence of a docking facility on the Property.

12. Wetlands file #1990-02311 documents a wooden structure on the lake bed of Pine River Pond during the winter of 1990. DES personnel determined the wooden structure is an abandon float/swim platform.

13. Field inspection conducted by DES personnel on January 17, 1991, documented no existing docking facility on the frontage.

14. The NH Wetlands Bureau has no record of a permit issued for the docking facility and the associated boatlift with canopy.

#### Ruling in Support of the Decision

15. The existing structure fails to comply with Rules Wt 402.02 and Wt 101.39 and therefore is denied and shall be removed permanently from the waters of Pine River Pond.

### **2003-01131                      GILFORD YACHT CLUB, C/O DAVE JOHNSON** **GILFORD   Lake Winnepesaukee**

#### Requested Action:

Maintenance dredge 593 cu yds from 5,200 sq ft of lakebed on an average of 1,220 ft of frontage on Smith Cove, Lake Winnepesaukee.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

Con. Com. requested that abutters be notified once work begins for potential navigational problems, also watch for effects to the culverts on Wildwood Road.

#### APPROVE PERMIT:

Maintenance dredge 593 cu yds from 5,200 sq ft of lakebed on an average of 1,220 ft of frontage on Smith Cove, Lake Winnepesaukee.

#### With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated January 7, 2003, as received by the Department on June 5, 2003 and cross sections as revised August 5, 2003 as received by the Department on October 27, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Shoreline abutters shall be notified once dredging begins.
12. Work shall be done during drawdown.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredge existing boat basin.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Conservation Commission requested that abutters be notified once work begins.

**2003-01133                      GLENDALE YACHT CLUB**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Maintenance dredge 830 cu yds of material from 17,100 sq ft of lakebed on an average of 246 ft of frontage on Smith Cove, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE PERMIT:

Maintenance dredge 830 cu yds of material from 17,100 sq ft of lakebed on an average of 246 ft of frontage on Smith Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans and cross sections by Steven J. Smith & Associates, Inc. dated May 21, 2001, as received by the Department on October 27, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Work shall be done during drawdown.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredge of an existing docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01718**                      **PUCILLO, LYNN**  
**ORFORD**   **Connecticut River**

Requested Action:

Install a 6 ft x 30 ft seasonal dock on an average of 160 ft of frontage on the Connecticut River, Orford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Upper Valley River Subcommittee was concerned about possible erosion.

APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal dock on an average of 160 ft of frontage on the Connecticut River, Orford.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated December 2003, as received by the Department on December 22, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. All excavated or removed material shall be placed outside the jurisdiction of the Wetlands Bureau prior to new construction.
8. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal pier shall be removed from the river for the non-boating season.
10. No portion of the pier shall extend more than 30 feet from the shoreline at full river elevation.
11. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Work shall be done during low flow.

14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), installation of a 2-slip seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01738 PALMER, NANCY**  
**OSSIPEE Unnamed Wetland**

Requested Action:

Dredge and fill approximately 298 square feet of previously disturbed forested wetlands to install an 18-inch x 30-foot culvert with headwalls to provide driveway access to a 3-lot commercial subdivision.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated July 21, 2003 the Ossipee Conservation Commission stated that it intended to further investigate the application (per RSA 482-A:11). The DES Wetlands Bureau received no follow-up report from the Ossipee Conservation Commission.

APPROVE PERMIT:

Dredge and fill approximately 298 square feet of previously disturbed forested wetlands to install an 18-inch x 30-foot culvert with headwalls to provide driveway access to a 3-lot commercial subdivision.

With Conditions:

1. All work shall be in accordance with the State Subdivision Plan by Fox Survey Company dated October 25, 2003, as received by the Department on November 21, 2003, and the Wetland Impact Plan by Fernstone Associates dated July 5, 2003 and revised November 20, 2003, as received by the Department on November 21, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting

and pinning.

15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project per Administrative Rule Wt 303.04(f), as the project involves less than 3,000 square feet of alteration in forested wetlands.
2. Based on review of the application and supporting documentation, the Department finds that the project will not have a significant adverse effect on the Poor level fen/bog, the Southeastern New England floodplain forest, nor the Knotty Pondweed population identified by the NH Natural Heritage Bureau in a memo to the DES Wetlands Bureau dated August 20, 2003.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

**2003-02583                      ROBERTS, DENNIS**  
**PETERBOROUGH   Unnamed Wetland**

Requested Action:

Dredge and fill 1,125 square feet of palustrine forested wetlands to install a 15" x 44' culvert for access to 8 lots of a proposed 10-lot subdivision. Proposed lot R-008/003-010 to be designated as open space as depicted on the subdivision plan dated September 25, 2003.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Conservation Commission submitted no comments. The Contoocook and North Branch Rivers Local Advisory Committee made no comments on the project.

APPROVE PERMIT:

Dredge and fill 1,125 square feet of palustrine forested wetlands to install a 15" x 44' culvert for access to 8 lots of a proposed 10-lot subdivision. Proposed lot R-008/003-010 to be designated as open space as depicted on the subdivision plan dated September 25, 2003.

With Conditions:

1. All work shall be in accordance with plans by TODD Land Use Consultants, Subdivision plan dated September 25, 2003, and Wetland Crossing plan dated October 20, 2003, as received by the Department on November 18, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02587                      NH DEPT OF TRANSPORTATION**  
**MERRIMACK   Unnamed Wetland**

Requested Action:

Replace a 15 in. culvert and header impacting 390 sq. ft. of shrub wetland.

\*\*\*\*\*

APPROVE PERMIT:

Replace a 15 in. culvert and header impacting 390 sq. ft. of shrub wetland. NHDOT project #13320.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design as received by the Department on November 17, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), alteration of less than 3,000 sq. ft. of scrub shrub wetland within the right of way of a public road.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The limit of work is in a drainage unassociated with the noted Natural Community and therefore is not a major project per Rule Wt 303.02(k).

## EXPEDITED MINIMUM

\*\*\*\*\*

**2003-02163                      VIEL, BRUCE**  
**STRAFFORD   Ditch**

### Requested Action:

Dredge and fill approximately 500 square feet of roadside drainage ditch to install two 15-inch diameter culverts to provide driveway access to two lots of a three-lot residential subdivision on approximately 28 acres.

\*\*\*\*\*

### APPROVE PERMIT:

Dredge and fill approximately 500 square feet of roadside drainage ditch to install two 15-inch diameter culverts to provide driveway access to two lots of a three-lot residential subdivision on approximately 28 acres.

### With Conditions:

1. All work shall be in accordance with the Subdivision Plan by Richard E. Turner L.L.S. dated August 12, 2003 and revised September 30, 2003, as received by the Department on December 5, 2003, and the Site Plan by Carl Sherblom dated September 10, 2003 and revised November 20, 2003, as received by the Department on December 5, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be conducted during low flow conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

### With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f).
2. In a letter to the DES Wetlands Bureau dated November 10, 2003, the Town of Strafford Board of Selectmen concurred with any work that may take place within the right-of-way of Second Crown Point Road.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

**2003-02513                      POND, MURRAY**  
**EPSOM    Unnamed Wetland**

Requested Action:

Dredge and fill a total of 1,563 sq. ft. of palustrine scrub-shrub/wet meadow wetlands to construct a driveway with two (2) culvert crossings to access a residential building site.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 1,563 sq. ft. of palustrine scrub-shrub/wet meadow wetlands to construct a driveway with two (2) culvert crossings to access a residential building site.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering and Surveying, Inc. dated 10-30-03, as received by the Department on November 10, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.

**2003-02626                      BARNSTEAD, TOWN OF**  
**BARNSTEAD    Lower Suncook Lake**

Requested Action:

Repair and improve a 24 ft by 15 ft section of a existing deteriorating public boat ramp on Lower Suncook Lake, Barnstead.

\*\*\*\*\*

Conservation Commission/Staff Comments:

ConComm signed.

APPROVE PERMIT:

Repair and improve a 24 ft by 15 ft section of a existing deteriorating public boat ramp on Lower Suncook Lake, Barnstead.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on December 19, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during draw down.
4. No equipment or machinery shall be in wetlands jurisdiction.
5. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Lower Suncook Lake.
7. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
8. The boat ramp shall be utilized indefinitely as a public access to Lower Suncook Lake and shall not change in use.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), deemed minimum impact by department.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

**2003-02628                      HINCKLEY, BETSY**  
**BARNSTEAD   Upper Suncook Lake**

Requested Action:

Repair 46 linear feet of existing deteriorating retaining wall with the removal of one birch tree and the planting of a native plant buffer along the wall, permanently remove a 4 foot by 32 foot "L-shaped" seasonal non-conforming docking structure and replace with a 6 foot by 30 foot seasonal dock connected to an existing concrete pad on 85 ft of frontage on Upper Suncook Lake, Barnstead.

\*\*\*\*\*

Conservation Commission/Staff Comments:

ConComm signed.

APPROVE PERMIT:

Repair 46 linear feet of existing deteriorating retaining wall with the removal of one birch tree and the planting of a native plant buffer along the wall, permanently remove a 4 foot by 32 foot "L-shaped" seasonal non-conforming docking structure and replace with a 6 foot by 30 foot seasonal dock connected to an existing concrete pad on 85 ft of frontage on Upper Suncook Lake, Barnstead.

With Conditions:

1. All work shall be in accordance with plans by Carleton F. Facciolo dated November 5, 2003, as received by the Department on November 21, 2003, and e-mail sent and received on December 19, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Work shall be done during drawdown.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Repair shall maintain existing footprint, location and configuration.
6. The retaining wall shall be constructed completely landward of, or within the footprint of the previously existing wall so as not to create land in public water.
7. All dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a) and Wt 303.04(v).

**2003-02726                      WIGGINS, LARRY**  
**NEWPORT   Sugar River**

Requested Action:

Temporarily impact 300 square feet of existing bridge abutments to install a municipal sewer line across the Sugar River, Newport

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application

APPROVE PERMIT:

Temporarily impact 300 square feet of existing bridge abutments to install a municipal sewer line across the Sugar River, Newport

With Conditions:

1. All work shall be in accordance with plans by Metcalf & Eddy dated October 2003, as received by the Department on December 9, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. No fill shall take place in Atlantic white cedar swamps.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project requires temporary impacts to the upper portions of two existing granite block bridge abutments located out of the water and therefore is a minimum impact project per Administrative Rule Wt 303.04(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined the project is a benefit to the public and will have minimal impacts on the environment.